

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as 'Express Mail Post Office to Addressee', Express Mail Label No. EV34759995US, in an envelope addressed to Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 30, 2004

Signature of Person Certifying: 

Printed Name: Linda Major

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

AUG 30 2004

OFFICE OF PETITIONS

In re the Application of:

Hassan MOSTAFAVI

Serial No.: 09/893,122

Filed: June 26, 2001

For: METHOD AND SYSTEM FOR
PREDICTIVE PHYSIOLOGICAL
GATING

Group Art Unit: 2882

Examiner: Craig E. Church

Confirmation No.: 4891

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Supplemental Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached forms PTO/SB/08a and PTO/SB/08b.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

1. Timing of the Information Disclosure Statement:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in

37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office Action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

- ☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.
- ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ This IDS is being submitted under 37 CFR § 1.97(i), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee.

STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ Some items contained in this IDS were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

2. Copies of the Cited Items:

- ☐ Copies of all of the items listed on the attached forms PTO/SB/08a and PTO/SB/08b are enclosed.
- ☒ Copies of only the following items listed on the attached forms PTO/SB/08a (Items 1-20) and PTO/SB/08b (Items 1-6) are enclosed.

- ☒ Copies of the following documents listed in PTO/SB/08a (Item Nos. 21-33) and copies of the following documents listed in PTO/SB/08b (Item Nos. 7-10) were previously cited by the Office or submitted in Information Disclosure Statements in related applications: U.S. Serial No. 09/178,383 filed October 23, 1998, now Patent No. 6,621,889; U.S. Serial No. 09/178,384 filed October 23, 1998, abandoned in favor of U.S. Serial No. 09/712,724 filed November 14, 2000, now Patent No. 6,690,965; and U.S. Serial No. 09/178,385 filed October 23, 1998, and accordingly, copies are not included herewith. See 37 C.F.R. § 1.98(d). The Examiner is requested to make these documents of record.

3. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on forms PTO/SB/08a and PTO/SB/08b is not given.
- ☐ A concise explanation of relevance of some of the items listed on forms PTO/SB/08a and PTO/SB/08b is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

4. Related Applications:

- ☒ Applicant(s) bring to the Office's attention the following related application(s), and suggest that the Examiner should consult the prosecution history of these application(s):
U.S. Patent Application Serial Nos. 09/178,383, 09/178,384, 09/712,724, 09/178,385, 10/664,534, 10/454,754, 09/940,679, 10/678,741, 10/234,658, 10/327,603, 10/305,416.

5. Conclusion:

Citation of the above documents shall not be construed as:


1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; and
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached forms PTO/SB/08a and PTO/SB/08b with initials or other appropriate marks. In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**

referencing 7012092001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: 8/30/04

By: 
Gerald Chan
Registration No. 51,541

Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Telephone: (650) 849-4960
Facsimile: (650) 849-4800

Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/893,122
Filing Date	June 26, 2001
First Named Inventor	Hassan MOSTAFAVI
Art Unit	2882
Examiner Name	Craig E. Church
Attorney Docket Number	264/027

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-4,710,717	12-01-87	Pele et al.	
	2	US-4,853,771	08-01-89	Witriol et al.	
	3	US-4,895,160	01-23-90	Reents	
	4	US-4,971,065	11-20-90	Pearce	
	5	US-5,513,646	05-07-96	Lehrman	
	6	US-5,565,777	10-15-96	Kanayama et al.	
	7	US-5,588,430	12-31-96	Bova et al.	
	8	US-5,662,112	09-02-97	Heid	
	9	US-5,993,397	11-30-99	Branson	
	10	US-6,144,874	11-07-00	Du	
	11	US-6,296,613	10-02-01	Emmenegger et al.	
	12	US-6,300,974	10-09-01	Viala et al.	
	13	US-6,348,058	02-19-02	Melkent et al.	
	14	US-6,434,507	08-13-02	Clayton et al.	
	15	US-6,527,443	03-04-03	Vilsmeier et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	16	WO 98/38908	09-11-98	Schneider Medical Technologies, Inc.		

Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	09/893,122
Filing Date	June 26, 2001
First Named Inventor	Hassan MOSTAFAVI
Art Unit	2882
Examiner Name	Craig E. Church
Attorney Docket Number	264/027

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	17	US-6,611,617 B1	08-26-03	Crampton	
	18	US-6,621,889 B1	09-16-03	Mostafavi	
	19	US-6,724,930 B1	04-20-04	Kosaka et al.	
	20	US-2003/0210812 A1	11-13-03	Khamene et al.	
	21	US-5,482,042	01-09-96	Fujita	
	22	US-5,619,995	04-15-97	Lobodzinski	
	23	US-5,622,187	04-22-97	Carol	
	24	US-5,638,819	06-17-97	Manwaring et al.	
	25	US-5,662,111	09-02-97	Cosman	
	26	US-5,771,310	06-23-98	Vannah	
	27	US-5,820,553	10-13-98	Hughes	
	28	US-5,912,656	06-15-99	Tham et al.	
	29	US-6,076,005	06-13-00	Sontag et al.	
	30	US-6,144,875	11-07-00	Schweikard et al.	
	31	US-6,272,368	08-07-01	Alexandrescu	
	32	US-6,405,072	06-11-02	Cosman	
	33	US-6,473,635	10-29-02	Rasche	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

